



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

<http://www.epa.gov/region08>

AUG 17 2012

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Office of Enforcement
Compliance & Environmental Justice

8ENF-UFO

CERTIFIED MAIL – 7009 3410 0000 2597 4762 – RETURN RECEIPT REQUESTED

J. Lloyd Dean, President & Registered Agent
Basin Western, Inc.
3639 E. Highway 40
PO Box 877
Ballard, UT 84066

Re: Clean Water Act, Section 308 Information Request
NRC Report #s: 993440, 993452, 993678

Dear Mr. Dean:

The Environmental Protection Agency (EPA) is investigating the status of a release of crude oil that occurred on or about October 24, 2011, on Highway 141, at mile marker 128, roughly 30 miles south of Grand Junction and approximately 10 miles east of Gateway, Mesa County, Colorado. The report we received indicated that the vehicle from which the release occurred is owned and/or operated by Basin Western, Inc. Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318 et seq., the EPA has the authority to request information pertinent to carrying out its responsibilities under the CWA.

To officially confirm this information, I am requesting, pursuant to the above referenced statutory authority, that you complete the enclosed Request for Information for the discharge. Please answer each question on the enclosure, or indicate in writing that no release occurred. The Request for Information Certification Statement must be signed by a duly authorized official of your company.

Although the information requested must be submitted to the EPA, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Failure to comply with the requirements of the Section 308 Information Request may result in your liability for statutory civil penalties for each violation under Section 309(d) of the Act, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court for the district of Colorado may impose such penalties if, after notice and opportunity for a hearing, the court determines that you have failed to comply with the terms of the Information Request. Although the statute provides the court with the authority to impose a civil penalty of up to \$37,500 per day, in determining the amount of any

penalty the court will consider the seriousness of your violations, your economic benefit (if any) resulting from the violations, any history you may have of such violations, any good faith efforts you have made to comply with legal requirements, the economic impact a penalty may have upon you, and such other matters as justice may require. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the Clean Water Act.

Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. § 3501, et seq.

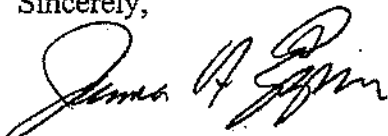
Enclosed with this letter is a Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet, *U.S. EPA Small Business Resources*, containing information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to comply with the Clean Water Act or respond to this Information Request, nor does it create any new rights or defenses under law.

Your response to the information request must be submitted within thirty (30) days of receipt of this letter to:

U. S. Environmental Protection Agency, Region 8
Christopher Ajayi (8ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202-1129

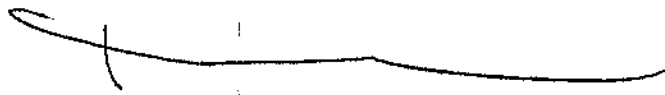
Mr. Ajayi can assist you with any questions regarding this Information Request; he may be reached at 1-800-227-8917 ext. 6320 or (303) 312-6320. When calling, please refer to your company's name and the NRC Report number. An electronic version of the Information Request is available. Contact Mr. Ajayi at the number above or at ajayi.christopher@epa.gov for a copy.

Sincerely,



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program

Sincerely,



Darcy O'Connor, Acting Director
UIC/FIFRA/OPA Technical Enforcement
Program

Enclosures

- Information Request
- Statement of Certification Form
- Small Business Resources Information Sheet

INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318(a). This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

Instructions: Provide a separate narrative response to each and every question and subpart of a question set forth in this Request for Information. Precede each answer with the number of the question to which it corresponds. If the question is not applicable to the incident, please indicate N/A. The Statement of Certification must be signed by a responsible official of the owner or operator. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as "Company Confidential," "Trade Secret," "Proprietary," etc. If EPA determines the information you have designated meets the criteria in 40 C.F.R. Part 2, § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

1. Describe the vehicle from which the oil, pollutant, or contaminant was released, discharged or spilled, including the make, model, and year of the vehicle.
2. State the type and total capacity of the vehicle, container or equipment from which the oil was released. This means all containers, including tanks, totes, barrels, which contain any kind of oil. State the capacity, not actual amounts of oil contained. (Note: Oil means petroleum oils, including gasoline, diesel, jet fuel, asphalt, kerosene, motor oil, hydraulic oil, waste oil, crude oil, animal and fish oils, vegetable oils, synthetic oils or any other kind of oil.)
3. Provide the name and street address of the owner(s) of the vehicle described above at the time of the discharge, including Dun & Bradstreet number. Also, provide the names and current addresses of any parent corporations.
4. State what type of business unit (e.g., corporation, partnership, LLC) owned and/or operated the vehicle at the time of the discharge.
 - a. In what state was the business unit incorporated or organized?
 - b. State the name of the owner, CEO, president or other chief official of the company.
5. Provide the name and address of the operator of the vehicle described above if different from the name and address of the owner at the time of the incident. Describe the relationship between the owner and operator (e.g., employee, subcontractor, lessee).
6. State the time and date of the oil discharge(s) and how this was determined.
 - a. State the time and date the discharge was discovered.
 - b. State how and by whom the discharge was discovered.

Basin Western, Inc. Highway 141 Oil Spill
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- c. State how many days the discharge continued.
 - d. State the weather conditions at the time of the discharge, including temperature, precipitation, cloud cover, etc.
7. State the type of all oils released, including the chemical name, formula, and specific gravity. Include copies of the Material Safety Data Sheets if available.
 - a. If the material discharged was a mixture, give the percentages of substances in the mixture or solution.
 - b. List those oils that were released which are specifically listed or designated as hazardous substances in the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, Section 101(14).
8. State the quantity of each oil that was released and how the quantity released was determined.
9. Provide details on the specific location of the release, including:
 - a. the latitude, longitude, datum, county and state.
 - b. the street address and city, if applicable.
 - c. the township, range, quarter-sections and fractions for rural areas.
10. Include copies of the analyses of any samples of the discharged oil(s) collected and analyzed. Include a description of the locations from which the samples were collected including, latitude, longitude and datum; the date and time the samples were collected; the individual who collected the samples; and the name of the laboratory which conducted the analyses.
11. Did the oil reach or threaten any waterway (e.g., river, creek, intermittent stream, ditch, pond, lake, gully, mudflat), including any wetlands, marshes or sewers?
 - a. If yes, describe the waterway reached or threatened by the oil, including its width and depth, whether water was present, the flow direction, and the condition at time of discharge (e.g., low, flooded, quiet, turbulent).
 - b. Describe the pathway(s) of migration of the oil from the vehicle. Include a drawing or sketch of the discharge site showing the location of the vehicle and the extent of the discharge, diagrams, and topographic or other maps.
 - c. Describe the location of the waterway in relation to the vehicle responsible for the discharge (e.g., distance, direction, elevation).

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- d. State the nature and quantity of oil reaching the water described above and how that was determined.
 - e. State the quantity of oil which did not reach the waterway described above and how that quantity was determined.
 - f. Describe any film, sheen, discoloration, or iridescent appearance on the surface of any water or adjoining shorelines caused by the discharge. Provide the name and title of the person making the observation.
 - g. Describe any sludge or emulsion deposited on the adjoining shorelines or beneath the surface of the waters described above. Provide the name and title of the person making the observation.
 - h. State how long any oil, sludge or emulsion remained in the waterway and/or on the adjoining shoreline.
 - i. State when the cleanup operations were considered complete and all substances removed from any waterway and/or adjoining shoreline.
12. State the uses of the waterway (e.g., drinking water, agriculture, ranching, recreation, commerce).
13. Describe and name the waters to which the affected waterway is connected or flows into, include their uses.
14. Describe any damage to:
- a. animal life, including the number and species of injured or dead fish, birds, animals, insects, etc.
 - b. vegetation, including how many feet, acres, or miles of land were affected and the type of vegetation affected (e.g., crops, timber, forest, prairie grasses, scrub).
15. List and describe any sensitive environments (e.g. wildlife habitats or refuges, endangered species, water wells, or drinking water intakes) in the area. State the location and distance of each from the spill.
16. Provide the date and time the discharge was controlled.
- a. Describe the steps taken to control and clean up the release, including dates and times of each measure.
 - b. Describe the steps taken to mitigate any environmental damage.
17. Was an Agent (e.g. dispersant, bioremediation agent, surfactant) used? If it was, provide the following:

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- a. the name of Agent(s) applied.
 - b. the date(s) and time(s) each Agent was applied.
 - c. the latitude, longitude and datum of each location where the Agent was applied, and/or provide a map indicating the locations of all applications.
 - d. the method of application and amount of each Agent applied.
 - e. the name of the person(s) who applied the Agent and their relationship(s) to the owner and/or operator of the vehicle.
18. Was the permission from a Federal On-Scene Coordinator (OSC) granted before the application of any Agent? If so, what is the name of the person who provided this permission, and on what date was it provided?
19. Describe in detail the cause (e.g., equipment failure, operator error, inadequate procedures, maintenance) of the incident.
- a. Describe the events leading up to the incident.
 - b. Describe any measures taken to prevent any future discharges from this source.
20. Provide the cost to your company for spill cleanup and site remediation.
21. Provide all information relating to the inspection and the maintenance of the vehicle involved in the discharge.
22. List the federal, state, tribal, and/or local agencies to which the incident was reported.
- a. Indicate the date and time of notification for each official contacted.
 - b. Give the name, phone number and address of any officials and/or their representatives who were present at the discharge site.
23. Describe any penalty assessed for this incident by any government entity. Provide the name of the agency, amount of the penalty, and the date assessed.
24. Does the vehicle have a Spill Prevention Control and Countermeasure (SPCC) Plan? If so, send a copy of the SPCC Plan.
25. Provide any additional pertinent information, reports, photographs, etc. that you have related to this discharge and the vehicle. Please submit color photographs, or color photocopies of photos. If you have any of the following documentation in your possession, submit copies.

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- a. USGS topographic maps (of the facility and of the discharge).
 - b. Geographic Information System (GIS) maps or data.
 - c. Aerial photography, both current and historical.
 - d. Hydrologic flow and fate or transport models.
 - e. Wetland and stream functional models.
 - f. Stream profiles and culvert sizes.
 - g. Stream gauge data.
 - h. Precipitation records.
26. List your name, address, phone number, and relationship to the owner or operator of the vehicle involved in the discharge.

STATEMENT OF CERTIFICATION

I certify under the penalty of law, that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

For: Basin Western, Inc.

J. Lloyd Dean
Signature

9.17.2012
Date

J. LLOYD DEAN
Name

PRESIDENT
Title

BASIN WESTERN, INC.
P.O. BOX 877 - EAST HIGHWAY 40
ROOSEVELT, UTAH 84066
PH: (435) 722-3378
FX: (435) 722-2311

9/17/2012

U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

RE: NRC Report - 993440, 993452, 993678

PH: 800-227-8917

To Whom It May Concern:

Basin Western, being in receipt of your request for information dated 8/17/2012 hereby provides such information to the best of our ability to do so and in format as answers to each question by number respectively:

1. DOT 407 Cargo Tank Motor Vehicle - Semi Trailer - 2000 Heil
- VIN: 19ODL4520Y3H13684
2. DOT 407 Cargo Tank Motor Vehicle - Semi Trailer - Nominal
Capacity - 9500 Gallons
3. Basin Western, Inc. - P.O. Box 877 - 3639 East Highway 40 -
Roosevelt, UT 84066 - Dun & Bradstreet No. 361161235
4. Basin Western, Inc. is a Sub-S Corporation organized in the
State of Utah. President & CEO of the Corporation is J.
Lloyd Dean.
5. Unit 464, the above described semi-trailer was pulled by
tractor no. 225 which was being driven by Randy Curtis, an
employee of Basin Western, Inc. Randy Curtis resides at
07044 CTY RD C - Dove Creek, Co - 81324
6. a. Time and Date of Discharge - 10/24/2011 at approximately
11:00.
b. The driver and emergency response personnel discovered
the discharge at the time of the accident.
c. This was a one time immediate discharge due to vehicle
overturn accident.
d. The weather was mostly Sunny and Dry. No precipitation.
Temperature was approximately 60 degrees.
7. Petroleum Crude Oil from wellhead.
a. Unknown mixture
b. Unknown

8. The cargo tank contained 184.14 Bbls at time of accident. 69 Bbls was recovered from the damaged tank. 115.14 Bbls was released. The above measurements are determined by comparison of run ticket loaded amount and meter ticket delivered amount.
9. a. N38 45.2608, W108 45.3806, WGS 84 Mesa County, Colorado
b. There is no street address or city but accident occurred at MM 127.8 Colorado SR 141
c. NE, NE, Sec 14, T15S, R102W, 6th Meridian
10. Sampling and analysis was done by LMH Environmental and STTI. Please see copies attached.
11. Yes, the spill reached a swampy area near West Creek and the entered West Creek.
 - a. West Creek flows in a general SW Direction. It is a meandering stream this point, app 10 feet across and 2 feet deep. The flow was low and not flooded due to time of year.
 - b. Tanker came to rest on steep shoulder/slope of road. Oil ran from ruptured tanker downhill approximately 150 feet to wetlands and creek. See attached mapping of spill.
 - c. Waterway was approximately 150 feet from the accident and 20 feet lower in elevation.
 - d. Crude oil reached the creek and was visible on the surface. Over 600 gallons was skimmed and recovered on the first day of remediation with much more being recovered on subsequent days. An estimated 50% percent of the total spill (57.57 Bbls) reached the waterway and
 - e. 50% (57.57 Bbls) was captured on land.
 - f. A thick accumulation of crude oil was present on the surface of the waterway as observed by many Basin Western Personnel, response agencies, and remediation personnel. Steve Way of the U.S. EPA was present for the first several days of remediation.
 - g. Sludge and/or emulsion was minimal. Most of the crude oil stayed on the surface and was recovered in liquid form as observed by Basin Western Personnel, response agencies, and remediation personnel. Steve Way of the U.S. EPA was present for the first several days of remediation.
 - h. Oil recovery began immediately and most of the oil had been removed by 10/28/2011 although there were minor pockets of oil removed through 11/08/2011.
 - i. All soil was removed by 11/11/2011. Final regarding and reseeding was done by 11/16/2011
12. West Creek is used for agriculture, ranching and recreation (Fishing).

13. West Creek connects with the Delores River. The confluence of West Creek and Delores River is approximately 16 miles from the spill site. The Delores River is used for agriculture and recreation.
14. There were no dead fish or animals observed as confirmed by U.S. Fish and Wildlife Personnel (Barb Osmundson) and Colorado Division of Wildlife Personnel (Sherm Hebein). The spill impacted an upland environment as well as a wetlands environment. The area of upland/pasture vegetation disturbed by the remediation is approximately $\frac{1}{4}$ acre. The area of wetlands disturbed is approximately $\frac{1}{2}$ acre.
15. As stated, crude oil reached a wetlands area and an active stream.
 - a. Water Wells
 1. Permit number 262117 is 450 feet upgradient of the spill.
 2. Permit number 229319 is 575 feet upgradient of the spill.
 3. Permit number 9401831 is 1500 feet downgradient of the spill site and located on Bear Creek Drainage which is upgradient from West Creek.
 - b. Booms were immediately placed to keep oil in close proximity to the spill. A containment boom was placed at a beaver dam approximately 500 feet downstream from where the spill occurred. Absorbent booms were placed in multiple locations downstream of the containment boom. Oil was removed by Vacuum trucks and by replacement of absorbent booms as necessary. Approximately 95970 gallons of oil/water was removed from the beaver dam and wetlands area. Live fish and frogs were observed during oil removal.
16. The oil discharge was contained and prevented from spreading on the day of the release - 10/21/2011.
 - a. Absorbent booms were placed in multiple locations on 10/24/2011 to contain the release. Containment booms were added on 10/25/2011 and vacuum trucks were onsite and removing oil on 10/25/2011. Vacuum trucks continued removing oil and water through 11/7/2011. Petroleum contaminated soil was removed from the wetlands area beginning area beginning 10/2/2011. Soil removal from wetlands and uplands concluded on 11/8/2011.
17. Micro Blaze was applied to the Colorado Department of Transportation's (CDOT) right of way where the slope was too steep to excavate. Micro Blaze was the material specified by CDOT supervisor Mike Verketis. Micro Blaze is on the US EPA NCP product schedule for bioremediation products. Micro

Blaze was not applied to waterway, only to the road shoulder and slope.

- a. Micro Blaze
 - b. 11/3/2011. Time of application is not available
 - c. Location N38 45.2608, W108 45.3806, WGS84, Mesa County, Colorado.
 - d. 10% solution of Micro-Blaze and water for a total of 535 gallons of agent.
 - e. Applied by STTI working for Great West Casualty, at the request of CDCT supervisor Mike Verketis.
18. Permission for application of Micro-Blaze was granted by Steve Way of the USEPA or his representative at URS prior to application. URS personnel representing USEPA were onsite during application of the agent.
19. The tanker vehicle entered a curve at excessive speed resulting in the vehicle rolling over 1 complete time and leaving the roadway. The vehicle rolled over the guardrail and down a steep embankment over very rocky terrain. The rocks punctured and tore a hole in the shell of the cargo tank trailer allowing the release of the crude oil.
- a. Driver inattention was the cause of the wreck. The highway is straight and smooth for several miles prior to a 30 MPH curve. The driver failed to slow down for the curve.
 - b. As stated, this was a one time release caused by a vehicle overturn wreck. Booms and earthen dikes were immediately installed to prevent the migration of the spilled material.
20. The cost of remediation to date is \$394,626.06 with a reserve of an additional \$155,373.94 for a total cost of \$550,000.00
21. See all current test papers and maintenance of cargo tank semi trailer attached.
22. Notifications were given to NRC, CDPHE, Co. Division of Wildlife, US Fish and Wildlife, Co. State Patrol, Grand Junction Fire Department all on 10/24/2011.
- a. Steve Way - USEPA and various URS Subcontractors
 - b. Sherm Heibin - Co. Division of Wildlife
 - c. Barb Osmundson - US Fish and Wildlife
 - d. Colorado State Patrol
 - e. Grand Junction Fire Department
 - f. Mr. King from the US Army Corps of Engineers.
23. None
24. SPCC plans are required for fixed facilities. We have such plans for all terminals. Our cargo tank motor vehicles have emergency response plans addressing Spill Prevention Controls and Countermeasures copy of which is attached.
25. See attached

26. Lloyd Dean - President - Basin Western, Inc. - P.O. Box 877 - Roosevelt, UT - 84066. PH: 435-722-3378 x 19. Some information provided by Ray Muldrew - LMH Environmental - our clean-up and remediation consultants.